

Wetlands Bureau Decision Report

Decisions Taken
05/17/2010 to 05/23/2010

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to George "Chip" Kimball, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2010-00247 MASCENIC REGIONAL SCHOOL DISTRICT NEW IPSWICH Unnamed Wetland

Requested Action:

Dredge and fill \pm 68,791 sq. ft. of palustrine forested and scrub-shrub wetlands for construction of the new Mascenic Elementary School and associated access/parking on a \pm 102 acre parcel. Mitigation includes preservation of an adjacent \pm 45 acre parcel (Greenville Tax Map 2, Lot 8) and funding for a portion of a local restoration project located on Furnace Brook.

APPROVE PERMIT:

Dredge and fill \pm 68,791 sq. ft. of palustrine forested and scrub-shrub wetlands for construction of the new Mascenic Elementary School and associated access/parking on a \pm 102 acre parcel. Mitigation includes preservation of an adjacent \pm 45 acre parcel (Greenville Tax Map 2, Lot 8) and funding for a portion of a local restoration project located on Furnace Brook.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated April 02, 2010, as received by the Department on April 05, 2010.
2. The applicant shall notify DES in writing of their intention to commence construction no less than 5 business days prior to construction. The estimated length of construction time shall be provided in this notification.
3. The applicant shall notify DES in writing of the completion of construction no less than 10 business days after completion.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
5. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters to prevent accidental encroachment on wetlands.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Culverts shall be laid at original grade.
10. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
12. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
15. Silt fencing must be removed once the area is stabilized.

Mitigation:

16. This permit is contingent upon the execution of a conservation easement on 45.007 acres as depicted on plans received May 03, 2010.
17. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
18. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
19. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as

a baseline for future monitoring of the easement area.

20. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.

21. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.

22. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.

23. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

24. This permit is contingent upon receipt by the Town of New Ipswich of a one time payment of \$20,000 for the restoration of Furnace Brook. The payment shall be received by the Town of New Ipswich prior to the start of construction.

25. Confirmation that the payment has been provided to the Town of New Ipswich shall be provided to DES prior to the start of construction.

26. This permit is contingent upon the receipt by the DES Aquatic Resource Mitigation (ARM) Fund of any remaining funds from the \$20,000 one-time payment to the Town of New Ipswich not utilized within three (3) years of permit issuance.

27. This permit is contingent upon the receipt by DES of a single page narrative explanation of the use of the funds provided to the Town of New Ipswich. The narrative shall be received by DES within 3 years of permit issuance.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(c), Projects that involve alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.

2. The existing elementary school has been condemned primarily due to fire and safety deficiencies and is located on a downtown lot that is insufficiently sized for the building and recreational field needs of the elementary school.

3. A conceptual plan for a possible additional phase including construction of a new middle school has been provided.

4. NHDES Alteration of Terrain Program approval has been issued, AOT-0111.

5. No comments of concern were submitted the Natural Heritage Bureau (NHB) or the NHFG Nongame and Endangered Wildlife Program.

6. The Conservation Commission submitted their intent to intervene on February 25, 2010. Follow-up comments were not submitted by the Commission.

7. In correspondence dated March 18, 2010, the Environmental Protection Agency (EPA) commented that 1) an aerial photograph was required; 2) the mitigation plan was weak and the mitigation parcel was isolated with little connection to the aquatic environment. Also, the mitigation proposal provided no restoration. The EPA suggested a payment to the in-lieu fee in addition to the current mitigation proposal; 3) a vernal pool survey was needed; 4) a site visit was needed; and 5) Low Impact Development (LID) options were needed.

8. In an Agent response received April 05, 2010, all EPA comments were addressed with exception the mitigation comments.

9. In email correspondence dated April 30, 2010, the EPA indicated that the project was eligible for SPGP approval based on mitigation revisions that included increased easement acreage from 22 to 45 acres and a one time payment of \$20,000 to be provided to the Town of New Ipswich for Furnace Brook restoration.

10. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 11. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

12. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

13. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the palustrine resource, as identified under RSA 482-A:1.

2010-00388 STREAM, JOHN & PATRICIA
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Install a 6 ft x 40 ft seasonal dock connected to a 6 ft x 40 ft seasonal dock by a 6 ft x 12 ft seasonal walkway, anchored by two 6 ft x 4 ft concrete pads, on an average of 200 ft of frontage on Lake Winnepesaukee, in Moultonborough.

Conservation Commission/Staff Comments:

Con Com signed Exp Application, however this is a minor project and will be reviewed as a Standard Dredge and Fill application

APPROVE PERMIT:

Install a 6 ft x 40 ft seasonal dock connected to a 6 ft x 40 ft seasonal dock by a 6 ft x 12 ft seasonal walkway, anchored by two 6 ft x 4 ft concrete pads, on an average of 200 ft of frontage on Lake Winnepesaukee, in Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by David M Dolan Associates revision dated July 15, 2009, as received by DES on March 01, 2010, and letter from Loon Preservation Committee dated March 08, 2010.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This permit replaces completed seasonal dock notification 2009-01104. The seasonal dock installed under file 2009-01104 shall be permanently removed.
4. The docking structure shall either be installed prior to May 15 or not until after July 15 each year. No construction or installation activities may be conducted between these dates.
5. The applicant is responsible for contacting the Loon Preservation Committee to meet the requirements as stated in the letter from the Loon Preservation Committee dated March 8, 2010.
6. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
7. Material excavated for the installation of the concrete pads shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Seasonal piers shall be removed from the lake for the non-boating season.
9. No portion of the piers shall extend more than 40 feet from the shoreline at full lake elevation.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(k), projects in a wetland that have been identified by the Natural Heritage Inventory-Department of Resources and Economic Development as an exemplary natural community, and/or that has documented occurrences of state or federally listed Endangered or Threatened Species.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has an average of 200 feet of shoreline frontage along Lake Winnepesaukee.
5. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
6. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

2010-00917 NH DEPT OF TRANSPORTATION
HARTS LOCATION Saco River

Requested Action:

Stabilize 350 linear feet of existing rip rap roadway embankment/ river bank, upgrade undersized drainage structures and construct approximately 150 ft. of treatment swale impacting 13,079 sq. ft. of riverine wetlands (3,940 sq. ft. temporary).

Inspection Date: 06/25/2008 by Gino E Infascelli

APPROVE PERMIT:

Stabilize 350 linear feet of existing rip rap roadway embankment/ river bank, upgrade undersized drainage structures and construct

approximately 150 ft. of treatment swale impacting 13,079 sq. ft. of riverine wetlands (3,940 sq. ft. temporary). NHDOT project #15315.

With Conditions:

1. All work shall be in accordance with:
 - a. The inter-department memo by NHDOT dated May 10, 2010 amending the application to clarify that all work in the river channel shall be temporary;
 - b. The construction sequence as received by the Department on April 15, 2010 and
 - c. The plans as received by the Department on April 15, 2010, except as amended above.
2. Pre and post construction photos, showing all work areas in jurisdiction, shall be submitted to the file within 30 days of the contract completion.
3. Contingent on the environmental commitment to conduct a fluvial geomorphic river study to assess how future projects may provide a more natural geomorphic condition.
4. This permit supersedes permit 2008-01938.
5. This permit is contingent upon the submission of stamped engineering plans relative to and specifically for the bank stabilization design in accordance with Rule Env Wt 404.04 and shall be received prior to any construction
6. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans to the DES Wetlands Bureau prior to any construction. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
7. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
8. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
9. Work shall be done during low flow.
10. Construction equipment shall not be located within surface waters.
11. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
12. Temporary cofferdams shall be entirely removed immediately following construction.
13. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
14. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
15. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
17. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
18. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
19. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
20. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
21. There shall be no further alteration to wetlands or surface waters without amendment of this permit.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(i), alteration of more than 200 linear feet of channel and banks of a river.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas

and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

5. Department of Environmental Services (DES) Staff conducted a field inspection of the proposed project along with the applicant and other interested parties on June 25, 2008. Field inspection determined that only temporary impacts are allowable under RSA 483:9 along a designated river classified as natural.

6. On April 15, 2010, the DES received the application which noted the proposed impacts of 3,800 sq. ft. would be permanent.

7. On May 7, 2010, the DES staff met with the applicant noting that permanent impacts, in this location, were not allowable under RSA 483:9.

8. On May 10, 2010, the DES received a request to amend the application changing the impacts to the channel from permanent to temporary and provided an environmental commitment to conduct a fluvial geomorphic river study to assess how future projects may provide a more natural geomorphic condition.

9. Information from the NH Natural Heritage Bureau, dated 4/6/2010, indicates that the project is not expected to impact species listed in their records.

10. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine resource, as identified under RSA 482-A:1.

MINOR IMPACT PROJECT

**2008-02370 COTE, JOHN & ROSEMARY
MEREDITH Lake Waukewan**

Requested Action:

Amend permit to straighten and extend approximately 47 linear feet of rip rap lakeward to elevation 540.

Conservation Commission/Staff Comments:

Con Com has no objections, but recommends a perched beach

APPROVE AMENDMENT:

Amend permit to read: Rip-rap 111 linear feet of intermittent stream channel, dredge less than 20 cubic yards from 540 sq ft of lake bed to reclaim the eroded beach sand, replenish the existing beach with the reclaimed sand, and add no more than 10 cubic yards of new sand to the beach above full lake elevation on 100 ft of frontage on Lake Waukewan, in Meredith.

With Conditions:

1. All work shall be in accordance with plans by New Hampshire Environmental Consultants revision dated February 09, 2009, as received by DES on February 11, 2009 and amendment plans by New Hampshire Environmental Consultants revision dated May 11, 2010, as received by DES on May 13, 2010.

2. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

3. Work shall be done during drawdown.

4. Work shall be done during low flow.

5. This permit does not allow for any fill to be placed on the frontage for the purpose of raising the elevation of the frontage.

6. No more than 20 cubic yards of material shall be removed from the lakebed.

7. No more than 10 cubic yards of new sand shall be used to replenish the beach and all sand shall be placed above full lake elevation.

8. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), projects that disturb less than 200 linear feet of an intermittent or perennial nontidal stream or its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

2009-02690 **LYMAN, TOWN OF**
LYMAN Moulton Hill Brook

Requested Action:

Dredge and fill \pm 1,125 sq. ft. of Moulton Hill Brook to replace a 5-ft. x 36-ft. CMP culvert with a 12-ft. x 6-ft. x 35-ft. precast concrete box culvert with recreated natural streambed.

APPROVE PERMIT:

Dredge and fill \pm 1,125 sq. ft. of Moulton Hill Brook to replace a 5-ft. x 36-ft. CMP culvert with a 12-ft. x 6-ft. x 35-ft. precast concrete box culvert with recreated natural streambed.

With Conditions:

1. All work shall be in accordance with plans by Associated Consulting Engineers, PLLC sheet 3 of 3 dated September 02, 2009, and revised through October 09, 2009, as received by the Department on April 28, 2010 and sheet 2 of 3 dated September 02, 2009, and revised through October 09, 2009, as received by the Department on November 05, 2009.
2. Work shall be done during low flow conditions.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. There shall be no excavation or operation of construction equipment in flowing water.
8. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
10. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
11. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
12. Temporary cofferdams shall be entirely removed immediately following construction.
13. Proper headwalls shall be constructed within seven days of culvert installation.
14. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

Recreate Channel:

15. Native material removed from the streambed during culvert installation, shall be stockpiled separately and reused to emulate a natural channel bottom within the culvert, between wingwalls and beyond. Any new materials used must be similar to the natural stream substrate and shall not include angular riprap.
16. The recreated stream channel bed must maintain the natural and a consistent streambed elevation and not impede stream flow.
17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.

18. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
19. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
20. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction and areas cleared of vegetation to be revegetated with native like species within three days of the completion of this project.
21. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
22. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
23. A post-construction report including photographs documenting the status of the completed construction shall be submitted to the DES Wetlands Bureau within thirty (30) days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l), alteration of less than 200 linear feet of perennial stream.
2. The drainage analysis received March 17, 2010, indicates the proposed culvert will freely pass the 100-year storm.
3. Submitted plans and drainage analysis have been prepared and stamped by a Professional Engineer and NH Certified Wetland Scientist.
4. The proposed culvert construction has revised to accommodate NH Fish and Game Department comments.
5. The Town has received written consent from the owner(s) of tax map(s)/lot no.(s) 51/58, 69/6, 51/71 and 69/5, property owners of parcels on project activities will take place.
6. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
7. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
8. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2009-02852 NORTHFIELD, TOWN OF
NORTHFIELD Cross Brook

Requested Action:

After-the-fact request to retain 36 sq. ft. (12 linear ft.) of wetlands and bank impacts to retain and stabilize an existing Town of Northfield recreational trail bridge.

APPROVE AFTER THE FACT:

After-the-fact approval to retain 36 sq. ft. (12 linear ft.) of wetlands and bank impacts to retain and stabilize an existing Town of Northfield recreational trail bridge.

With Conditions:

1. All work shall be in accordance with plans and narratives by Schauer Environmental Consultants, LLC, as received by DES on November 30, 2009 and April 22, 2010.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. All exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
4. Appropriate siltation/erosion/turbidity controls shall remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. This approval is contingent on compliance with the requirements of DES Wetlands Bureau, Compliance Section File #2008-01401.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h) Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2010-00131 BEAL, BRENDA ANN
KEENE Unnamed Wetland

Requested Action:

Dredge and fill \pm 9,170 sq. ft. of palustrine forested wetlands for access/parking for a proposed 16-unit handicap accessible residential facility.

Inspection Date: 05/18/2010 by Kirsten Pulkkinen

APPROVE PERMIT:

Dredge and fill \pm 9,170 sq. ft. of palustrine forested wetlands for access/parking for a proposed 16-unit handicap accessible residential facility.

With Conditions:

1. All work shall be in accordance with plans by SVE Associates dated March 20, 2009, as received by the Department on April 23, 2010.
2. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
3. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters to prevent accidental encroachment on wetlands.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Culverts shall be laid at original grade.
8. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands.
2. Correspondence received April 23, 2010, provided by a Professional Engineer confirms that if the site and buildings are constructed in accordance with the site plans there will be no net loss of flood storage.
3. In email correspondence received May 14, 2010, the ACOE indicated the proposed methods of floodplain compensation were acceptable.
4. No comments of concern were submitted from federal agencies, the Natural Heritage Bureau (NHB), the NHFG Nongame and Endangered Wildlife Program or the Conservation Commission.
5. In correspondence received April 23, 2010, the Agent agreed to revise plans to accommodate the Keene Conservation Commissions requests.
6. The Keene City Council approved Resolution R-2009-25-A which approved modification of the tax ditch easement.
7. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
8. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas

and environments under the department's jurisdiction per Env-Wt 302.03.

9. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2010-00370

AHEAD INC

LITTLETON Unnamed Wetland Bog Pond

Requested Action:

Dredge and fill a total of 5,071 sq. ft. of wet meadow wetlands over two locations for grading and lot development associated with the construction of workforce housing units in a densely developed in-town area of Littleton.

Inspection Date: 04/26/2010 by Dori A Wiggin

APPROVE PERMIT:

Dredge and fill a total of 5,071 sq. ft. of wet meadow wetlands over two locations for grading and lot development associated with the construction of workforce housing units in a densely developed in-town area of Littleton.

With Conditions:

1. All work shall be in accordance with plans by Horizons Engineering LLC dated July 2009, as received by DES on 2/18/2010.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate of non-tidal wetlands which exceed the criteria of Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
This is a densely developed in-town area in need of affordable housing.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The impact is confined to two areas of wet meadow/lawn area with minimal functions.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported for the project vicinity by the NH Natural Heritage Bureau. The applicant submitted drainage calculations to demonstrate that there will be no increase in run-off to abutting properties as a result of the project.
5. The Ammonusuc River Local Advisory Committee provided comments that have been addressed in the permit conditions to the extent of wetlands bureau jurisdiction.
6. The Littleton Conservation Commission did not report.
7. DES Staff conducted a field inspection of the proposed project on 4/26/2010. Field inspection confirmed that the project impacts were accurately depicted in the file.

2010-00681

WOODARD, RONALD

ALTON Lake Winnepesaukee

Requested Action:

Remove an existing 4 ft x 36 ft crib pier, a 23 ft long walkway over the bank, and a 4 ft x 16 ft seasonal pier. Install two 6 ft x 40 ft seasonal piers connected by a 6 ft x 12 ft walkway in a "U" configuration, a seasonal boatlift, 2 seasonal personal watercraft lifts, and a 6 ft x 20 ft pier on an average of 235 ft of frontage on Rattlesnake Island, Lake Winnepesaukee, in Alton.

APPROVE PERMIT:

Remove an existing 4 ft x 36 ft crib pier, a 23 ft long walkway over the bank, and a 4 ft x 16 ft seasonal pier. Install two 6 ft x 40 ft seasonal piers connected by a 6 ft x 12 ft walkway in a "U" configuration, a seasonal boatlift, 2 seasonal personal watercraft lifts, and a 6 ft x 20 ft pier on an average of 235 ft of frontage on Rattlesnake Island, Lake Winnepesaukee, in Alton.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated March 16, 2010, as received by DES on March 19, 2010.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. All portions of the pre-existing docking structures shall be removed prior to the installation of any new docking structure.
4. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and fish spawning areas shall be avoided.
7. This permit does not allow dredging for any purpose.
8. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water accept as authorized in writing by the affected abutters.
9. All seasonal structures shall be removed from the lake for the non-boating season.
10. No portion of the piers shall extend more than 40 feet from the shoreline at full lake elevation.
11. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of docking facilities providing 3 slips.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has an average of 237 feet of shoreline frontage along Lake Winnepesaukee.
6. A maximum of 4 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
7. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

2010-00890 SULLIVAN, SUSAN
ALTON Lake Winnepesaukee

Requested Action:

Replace two tie-off pilings, repair two 6 ft x 30 ft piling piers and a 6 ft x 12 connecting walkway in-kind, construct a third 6 ft x 30 ft piling pier connected to the pre-existing structure by a 6 ft x 12 ft walkway in a "W" configuration, and install a 14 ft x 30 ft seasonal canopy on an average of 233 ft of frontage on Rattlesnake Island, Lake Winnepesaukee, in Alton.

APPROVE PERMIT:

Replace two tie-off pilings, repair two 6 ft x 30 ft piling piers and a 6 ft x 12 connecting walkway in-kind, construct a third 6 ft x 30 ft piling pier connected to the pre-existing structure by a 6 ft x 12 ft walkway in a "W" configuration, and install a 14 ft x 30 ft seasonal canopy on an average of 233 ft of frontage on Rattlesnake Island, Lake Winnepesaukee, in Alton.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated March 9, 2010, as received by DES on April 12, 2010.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit does not relieve the owners from any local regulations or restrictions pertaining to the structures including the seasonal canopy.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and fish spawning areas shall be avoided.
8. This permit does not allow dredging for any purpose.
9. Canopies shall be of seasonal construction type with a flexible fabric cover. The seasonal support frame shall be designed to be removed for the non-boating season. The flexible fabric cover shall be removed during all seasons of non-use.
10. These shall be the only structures on this water frontage and all portions of the docking structure shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water except as authorized in writing by the affected abutter on March 16, 2010.
11. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), modification of docking facilities providing 4 boat slips.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has an average of 250 feet of shoreline frontage along Lake Winnepesaukee.
6. A maximum of 4 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
7. The proposed docking facility will provide 4 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

2010-01093 GALLAGHER, JOHN & BRENDA
MEREDITH Lake Winnepesaukee

Requested Action:

Remove an existing 6 ft x 31 ft piling pier and a 3 piling ice-cluster. Construct a 6 ft x 36 ft piling pier and a 6 ft x 47 ft pier connected by a 6 ft x 12 ft walkway in an "h" configuration, drive 4 tie-off pilings and two 3 piling ice clusters, and install 2 seasonal personal watercraft lifts on an average of 200 ft of frontage on Lake Winnepesaukee in Meredith.

APPROVE PERMIT:

Remove an existing 6 ft x 31 ft piling pier and a 3 piling ice-cluster. Construct a 6 ft x 36 ft piling pier and a 6 ft x 47 ft pier connected by a 6 ft x 12 ft walkway in an "h" configuration, drive 4 tie-off pilings and two 3 piling ice clusters, and install 2 seasonal personal watercraft lifts on an average of 200 ft of frontage on Lake Winnepesaukee in Meredith.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated March 31, 2010, as received by DES on April 29, 2010.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. Seasonal lifts shall be removed from the lake for the non-boating season.
5. No portion of the pier shall extend more than 47 feet from the shoreline at full lake elevation.
6. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a 3 slip permanent docking facility.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The proposed site meets the design fetch requirements found in Rule Env-Wt 402.06
6. The applicant has an average of 200 feet of shoreline frontage along Lake Winnepesaukee.
7. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
8. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

MINIMUM IMPACT PROJECT

**2009-01733 KEITH FAMILY REVOCABLE TRUST, MARJORIE
DERRY Unnamed Wetland**

Requested Action:

Retain 2,795 square feet of fill within a palustrine forested wetland for a pedestrian walking trail.

Conservation Commission/Staff Comments:

The Derry Conservation Commission commented on the project. See findings.

APPROVE AFTER THE FACT:

Retain 2,795 square feet of fill within a palustrine forested wetland for a pedestrian walking trail.

With Conditions:

1. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
2. This approval is contingent upon the successful restoration of 1,230 square feet of fill as conditioned in the Restoration Plan Approval dated May 18, 2010.

With Findings:

1. Keith Family Trust (the "Applicant") is the owner of the property located at 18 Windham Road, more particularly described on

Derry Tax Map 25 Lot 023 (the "Property").

2. On August 5, 2009, DES personnel inspected the site after receiving a complaint from the Town of Derry for alleged violations on the Property. DES discovered wetlands violations on the Property during this inspection.
3. On August 15, 2009, via USPS certified mail/return receipt DES issued Letter of Deficiency WET 09-032 (the "LoD") to the Applicant. The LoD documented the violations noted in the aforementioned inspection and requested, in summary, refraining from any further work, removing a portion of fill, and the submitting an application to retain impacts.
4. USPS records indicate that the Applicant received the LoD on August 21, 2009.
5. On September 14, 2009 the Applicant sent an email to DES satisfying a request of the LoD: removing a portion of fill from jurisdiction.
6. On September 28, 2009, DES received correspondence from Gottesman & Hollis, P.A. requesting a 60-day extension for the submittal of an application to retain the impacts.
7. DES issued a letter to the Applicant granting the requested extension; therefore, the application must be submitted to DES no later than December 12, 2009.
8. DES received the requested application on December 1, 2009.
9. On December 10, 2009, DES issued a "Notice of Administrative Completeness" to the Applicant and Klumb Environmental, LCC (the "Agent").
10. DES received correspondence from the Derry Conservation Commission (the "DCC") on January 25, 2010. The DCC questioned quantified areas on the Property that were entered on the U.S. Army Corps of Engineers Programmatic General Permit, Appendix B.
11. In accordance with RSA 482-A:3, XIV (b), the Applicant authorized DES to communicate all matters relative to the application electronically to the Agent. On February 23, 2010, DES issued a "Request for More Information" via email to the Agent to address questions and concerns that were found during the technical review of the application.
12. On April 22, 2010, DES received revised plans and a letter that satisfied the concerns in the "Request for More information" email issued by DES.
13. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of forested wetland.
15. The Applicant uses the trail(s) for recreation on the Property; therefore, the need for the proposed impacts has been demonstrated by the Applicant per Env-Wt 302.01.
16. Originally, the Applicant requested to retain 4,025 square feet of fill within jurisdiction. At the request of DES, the Applicant reduced the area of retained fill to 2,795 square feet and proposes to restore 1,230 square feet of palustrine forested wetland; therefore, the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
17. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2009-02882 GARCZYNSKI, SETH
GILMANTON Unnamed Wetland

Requested Action:

Proposal to retain 107 sq. ft. of dredge and fill wetlands impacts and an associated 18 in. x 20 ft. culvert for the construction of a driveway.

APPROVE PERMIT:

Dredge and fill 202 sq. ft. of wetlands for reconstruction of an existing driveway crossing to include two 18 in. x 20 ft. HDPE culverts associated headwalls, inlet and outlet protection, grading, and side slope/swale stabilization.

With Conditions:

1. All work shall be in accordance with "Wetland Crossing Plan" by Paul M. Darbyshire Associates and Schauer Environmental Consultants, LLC ("SEC") dated November 24, 2009 (as revised with two culvert design) and narratives by SEC dated April 20, 2010, as received by DES on April 22, 2010.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or

other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
8. Work shall be done during low flow.
9. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z) Installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot or for noncommercial recreational uses.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2010-00122 SMITH, CHRIS
SUNAPEE Lake Sunapee

Requested Action:

Install a 6 ft x 20 seasonal pier to be accessed by a 8.5 ft walkway from an existing 6 ft x 35 ft seasonal pier forming a "j" shaped dock on an average of 98 ft of frontage on Lake Sunapee, in Sunapee.

APPROVE PERMIT:

Install a 6 ft x 20 seasonal pier to be accessed by a 8.5 ft walkway from an existing 6 ft x 35 ft seasonal pier forming a "j" shaped dock on an average of 98 ft of frontage on Lake Sunapee, in Sunapee.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction as revised May 10, 2010 and received by DES on May 17, 2010.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. All portions of the seasonal pier shall be removed from the lake for the non-boating season.
5. No portion of the pier shall extend more than 42.5 feet from the shoreline at full lake elevation.
6. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), modification of a seasonal docking structure providing 2 slips.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the

department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2010-00400 CUTTER JR, DAN
FARMINGTON Unnamed Wetland Pokamoonshine Brook

Requested Action:

Retain a temporary forestry crossing consisting of 156 sq. ft. of poled ford constructed in Pokamoonshine Brook, for purposes of completing stump removal, and in compliance with Restoration Plan Approval issued March 15, 2010 for compliance file 2009-1022.

APPROVE AFTER THE FACT:

Retain a temporary forestry crossing consisting of 156 sq. ft. of poled ford constructed in Pokamoonshine Brook, for purposes of completing stump removal, and in compliance with Restoration Plan Approval issued March 15, 2010 for compliance file 2009-1022.

With Conditions:

1. All work shall be in accordance with restoration plans by Geometres Blue Hills dated February 9, 2010, as received by DES on February 23, 2010, and subject to the conditions described in DES Restoration Plan Approval dated March 15, 2010 issued for compliance file 2009-1022.
2. The temporary crossing shall be removed no later than August 1, 2010.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work shall be done during low flow.
6. Poled ford materials removed shall be disposed of out of wetlands jurisdiction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(g), installation of a pole ford to permit vehicular access to a piece of property for forestry management.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The access was needed temporarily to accommodate the property with a logging skidder.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The temporary crossing will be removed and restored.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported for the project area by the NH Natural Heritage Bureau.
5. The Farmington Conservation Commission did not report.

2010-00606 JAWORSKI, JASON & AMELIA
MOULTONBOROUGH Unnamed Stream

Requested Action:

Emergency authorization requested to repair (ISSUED 03/19/10) of a collapsed culvert that was causing flooding of the adjacent home and property.

CONFIRM EMERGENCY AUTHORIZATION:

Emergency authorization confirmed for repair of a collapsed culvert that was causing flooding of the adjacent home and property.

With Conditions:

1. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
2. Appropriate siltation/erosion/turbidity controls shall be remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x) Maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

FORESTRY NOTIFICATION

2010-01161 PLUM CREEK MAINE TIMBERLANDS LLC
CAMBRIDGE Unnamed Stream

COMPLETE NOTIFICATION:
Cambridge Tax Map 1619, Lot# 42

2010-01162 LYNCH, JUDITH
NEW IPSWICH Unnamed Stream

COMPLETE NOTIFICATION:
New Ipswich Tax Map 14B, Lot# 1

2010-01163 OREMOS REALTY
NEW IPSWICH Unnamed Stream

COMPLETE NOTIFICATION:
New Ipswich Tax MAp 7, Lot# 13

2010-01164 MORSE, JOHN
WILMOT Unnamed Stream

COMPLETE NOTIFICATION:
Wilmot Tax Map 7, Lot# 12

2010-01168 NEW ENGLAND FORESTRY FOUNDATION
JAFFREY Unnamed Stream

COMPLETE NOTIFICATION:

Jaffrey Tax Map 227, Lot# 25

2010-01169 KENNEBEC WEST FOREST LLC, JOHN SUTTON
MILLSFIELD Unnamed Stream

COMPLETE NOTIFICATION:

Millsfield Tax Map 1620, Lot# 2

2010-01170 KENNEBEC WEST FOREST LLC, JOHN SUTTON
DUMMER Unnamed Stream

COMPLETE NOTIFICATION:

Dummer Tax Map R1, Lot# 1

2010-01176 GILBERT, DONALD
ROCHESTER Unnamed Stream

COMPLETE NOTIFICATION:

Rochester Tax Map 246, Lot# 34-1

2010-01177 CLARK, SCOTT & JAMIE
GILMANTON Unnamed Stream

COMPLETE NOTIFICATION:

Gilmanton Tax Map 413, Lot# 117

2010-01178 MANCHESTER WATER WORKS
MANCHESTER Unnamed Stream

COMPLETE NOTIFICATION:

Manchester Tax Map 758, Lot# 8

EXPEDITED MINIMUM

2010-00134 LONG BAY HOMEOWNERS ASSOCIATION, BRUCE ANDERSON
LACONIA Paugus Bay

Requested Action:

Install a 2,590 sq ft benthic barrier and a 7,895 sq ft benthic barrier, in two separate community swimming areas, on an average of 986 ft on frontage on Paugus Bay, Lake Winnepesaukee, in Laconia.

APPROVE PERMIT:

Install a 2,590 sq ft benthic barrier and a 7,895 sq ft benthic barrier, in two separate community swimming areas, on an average of 986 ft on frontage on Paugus Bay, Lake Winnepesaukee, in Laconia.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated January 14, 2010, as received by DES on January 26, 2010.
2. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
3. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
4. This permit does not allow dredging for any purpose.
5. Particular care shall be taken to ensure that the installation and maintenance of the benthic barriers does not generate turbidity and that no turbidity escapes the immediate dredge area. Appropriate turbidity controls shall be installed prior to the installation of the barriers.
6. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This project is deemed to be a minimum impact project per Rule Env-Wt 303.04 (o).

**2010-01158 LEGOCKI, ROMAN
MOULTONBOROUGH Lake Winnepesaukee**

Requested Action:

Replace an existing 4 ft x 30 ft seasonal pier with a 4 ft x 40 ft seasonal pier on an average of 100 ft of frontage on Lake Winnepesaukee, in Moultonborough.

APPROVE PERMIT:

Replace an existing 4 ft x 30 ft seasonal pier with a 4 ft x 40 ft seasonal pier on an average of 100 ft of frontage on Lake Winnepesaukee, in Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated April 13, 2010, as received by DES on May 10, 2010.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. The seasonal pier shall be removed from the lake for the non-boating season.
5. No portion of the pier shall extend more than 50 feet from the shoreline at full lake elevation.
6. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), alteration of 2 slip seasonal pier.
2. Review of aerial photographs of the site found no evidence of a concrete pad located approximately 40 ft offshore as alleged by the local Conservation Commission.

LAKES-SEASONAL DOCK NOTIF

2010-01165 LINDQUIST, ALLEN
LACONIA Lake Winnisquam

COMPLETE NOTIFICATION:
Laconia Tax Map 22, Lot# 3 Lake Winnisquam

2010-01166 TAGLIAFERRO, ANTHONY & VIRGINIA
EAST WAKEFIELD Balch Pond

COMPLETE NOTIFICATION:
Wakefield Tax MAp 42, Lot# 91 Balch Pond

2010-01167 SILVER STAR 44 LLC
TUFTONBORO Lake Winnepesaukee

COMPLETE NOTIFICATION:
Tuftonboro Tax Map 61, Lot# 3 Lake Winnepesaukee

2010-01225 SCHAALMAN LAKE TRUST, DONALD SCHAALMAN
MOULTONBOROUGH Lake Winnepesaukee

COMPLETE NOTIFICATION:
Moultonborough Tax map #28 Lot #49

2010-01226 HARDY, PETER
TUFTONBORO Lake Winnepesaukee

COMPLETE NOTIFICATION:
Tuftonboro Tax Map 29 Lot #5/4

2010-01227 HARRIS, JAMES
BARNSTEAD Locke Lake

COMPLETE NOTIFICATION:
Barnstead Tax map 40 Lot 31A, Locke Lake

PERMIT BY NOTIFICATION

2010-00743 WHISPERING PINES ASSOCIATION
GILMANTON Crystal Lake

Requested Action:

PBN proposal for installation/repair of a dry hydrant.

PBN IS COMPLETE:

PBN complete for installation/repair of a dry hydrant.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(w) Excavation of less than 10 linear feet within the bank and bed of a surface water that does not exceed 200 square feet in total jurisdictional impact to the bed, for installation of a dry hydrant.

2010-00978 DEVLIN, MICHAEL
FITZWILLIAM Unnamed Wetland

Requested Action:

Dredge and fill \pm 762 sq. ft. of palustrine forested wetlands for the installation of a 15-in. x 24-ft. CPE for driveway access to a single family residence.

PBN IS COMPLETE:

Dredge and fill \pm 762 sq. ft. of palustrine forested wetlands for the installation of a 15-in. x 24-ft. CPE for driveway access to a single family residence.

With Findings:

1. The Conservation Commission signed the PBN waiving their right to intervene pursuant to RSA 482-A:3:11.
2. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a)(8), the installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot for noncommercial, recreational, uses that meets the criteria in Env-Wt 303.04(z).
3. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.

2010-01156 TRAHAN, RODNEY
LITTLETON Unnamed Wetland

Requested Action:

PBN proposal to dredge and fill 1,020 sq. ft. of wetlands to install a culvert crossing/driveway to a proposed single family home.

PBN IS COMPLETE:

PBN complete to dredge and fill 1,020 sq. ft. of wetlands to install a culvert crossing/driveway to a proposed single family home.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z) Installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot or for noncommercial recreational uses.

2010-01186 HANCOCK, TOWN OF
HANCOCK Nubanusit Lake

Requested Action:

Place 6 cu yd of 1 in stone into hole in end of boatlaunch.

Conservation Commission/Staff Comments:

Con Com signed PBN form

PBN IS COMPLETE:

Place 6 cu yd of 1 in stone into hole in end of boatlaunch.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(v), repair of existing structures in kind.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2010-01216 US ARMY CORPS OF ENGINEERS

WEARE Choate Brook

Requested Action:

In-kind replacement and repair of bridge abutments, riprap protection and erosion at Choate Brook Bridge.

PBN IS COMPLETE:

In-kind replacement and repair of bridge abutments, riprap protection and erosion at Choate Brook Bridge.

With Findings:

1. The Conservation Commission signed the PBN waiving their right to intervene pursuant to RSA 482-A:3:11.
2. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a)(5), the repair of an existing docking structure that meets the criteria in Env-Wt 303.04(v).
3. No comments of concern were submitted from the NHEG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.

CSPA PERMIT

2009-00529 126 PIPERS POINT LANE LLC

ALTON Lake Winnepesaukee

Requested Action:

Impact 26,650 sq ft for the purpose of removing an existing single-family dwelling with driveway and constructing a pavilion, a stone wall, an addition onto an existing cabin and a pervious driveway.

APPROVE AMENDMENT:

Impact 26,650 sq ft for the purpose of removing an existing single-family dwelling with driveway and constructing a pavilion, a stone wall, an addition onto an existing cabin and a pervious driveway.

With Conditions:

1. All work shall be in accordance with plans by Pellettieri Associates Inc. revised March 25, 2010 and received by the Department of Environmental Services ("DES") on April 23, 2010.
2. All impacts associated with the proposed boat house are contingent on approval by the Wetland Bureau under RSA 482-A.
3. Existing altered areas shall be replanted with native vegetation in accordance with the proposed planting plan by Pellettieri Associates Inc revised January 19, 2009 and received by the Department of Environmental Services ("DES") on March 30, 2009.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. The project as proposed will leave approximately 560 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
7. No more than 12.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
9. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2010-00315 KARLSON FAMILY LLC, THE
WOLFEBORO Lake Winnepesaukee

Requested Action:

Impact 170 sq ft for the purpose of expanding an existing deck.

APPROVE PERMIT:

Impact 170 sq ft for the purpose of expanding an existing deck.

With Conditions:

1. All work shall be in accordance with revised plans by Folsom Design Group dated May 6, 2010 and received by the Department of Environmental Services ("DES") on May 10, 2010.
2. No more than 22.09% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. There shall be no impacts to native vegetation between 50 ft and 150 ft of the reference line in order to remain compliant with RSA 483-B:9, V, (b), (2), (A), (ii).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Silt fencing must be removed once the area is stabilized.
12. This permit is contingent on approval by the DES Subsurface Systems Bureau.
13. Upon completion of the proposed project, the existing septic system will pose no threat to adjacent surface waters.

2010-00727 DOWNS, RAYMOND
WEST LEBANON Connecticut River

Requested Action:

Impact 576 sq ft for the purpose of constructing a new garage.

APPROVE PERMIT:

Impact 576 sq ft for the purpose of constructing a new garage.

With Conditions:

1. All work shall be in accordance with plans by Raymond Downs and received by the Department of Environmental Services ("DES") on April 2, 2010.
2. No additional impervious structures shall be constructed unless approved by DES.
3. All pervious technologies used shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
4. No impacts to native vegetation, including natural ground cover, shall occur within the waterfront buffer.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Silt fencing must be removed once the area is stabilized.

2010-00767 KENNEDY, TAMARA
GILMANTON Sawyer Lake

Requested Action:

Impact 3,600 sq ft for the purpose of reconfiguring and reconstructing new retaining walls.

APPROVE PERMIT:

Impact 3,600 sq ft for the purpose of reconfiguring and reconstructing new retaining walls.

With Conditions:

1. All work shall be in accordance with plans submitted by Eric Baker and Tamara Kennedy received by the Department of Environmental Services ("DES") on May 20, 2010.
2. No more than 6.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
4. There shall be no impacts to native vegetation between 50 ft and 150 ft of the reference line in order to remain compliant with RSA 483-B:9, V, (b), (2), (A), (ii).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Silt fencing must be removed once the area is stabilized.

2010-00898 SZIRBIK, GEORGE
HARTS LOCATION Saco River

Requested Action:

Impact 17,963 sq ft for the purpose of upgrading an existing public roadway.

APPROVE PERMIT:

Impact 17,963 sq ft for the purpose of upgrading an existing public roadway.

With Conditions:

1. All work shall be in accordance with plans submitted by the NH DOT dated April 6, 2010 and received by the Department of Environmental Services ("DES") on April 20, 2010.
2. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
3. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by

mulching with tack or netting and pinning on slopes steeper than 3:1.

9. Silt fencing must be removed once the area is stabilized.

2010-01047 FARGO, RICH
CHATHAM Lower Kimball Pond

Requested Action:

Impact 7,355 sq ft construction of new 2,112 sq ft home with 570 sq ft porch and 14 ft wide drive, well and sewage system.

APPROVE PERMIT:

Impact 7,355 sq ft construction of new 2,112 sq ft home with 570 sq ft porch and 14 ft wide drive, well and sewage system.

With Conditions:

1. All work shall be in accordance with plans by H. E. Bergeron Engineering, Inc. dated April 21, 2010 and received by the Department of Environmental Services ("DES") on April 28, 2010.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau."
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
4. No more than 0.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. The project as proposed will leave approximately 31,273 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 31,273 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
12. Env-wt 303.05. The following activities shall not require application or, unless explicitly stated, a notification to the department:
 - (b) Mowing or cutting of vegetation in a wet meadow, red maple swamp, hemlock swamp, spruce/fir swamp, or white pine swamp, provided:
 - (1) The roots of the vegetation are not disturbed;
 - (2) The ground is frozen or sufficiently dry to avoid making ruts;
 - (3) The area is stabilized once thawed; and
 - (4) The project is not located in prime wetlands;

2010-01053 HAYNES, NATHAN
LYMAN Dodge Pond

APPROVE PERMIT:

Impact 9,200 sq ft to install a concrete pad for vehicle on existing lot.

With Conditions:

1. All work shall be in accordance with plans by Horizons Engineering Inc. dated April 2010 and received by the Department of Environmental Services ("DES") on April 29, 2010.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau."
3. No more than 18.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately N/A sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 4,489 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-01054 NH DEPT OF TRANSPORTATION
DOVER Bellamy River

Requested Action:

Repair concrete pipe, located at mile marker 9.5 along Spaulding Turnpike.

APPROVE PERMIT:

Repair concrete pipe, located at mile marker 9.5 along Spaulding Turnpike.

With Conditions:

1. All work shall be in accordance with plans by NH Department of Transportation dated April 22, 2010 and received by the Department of Environmental Services ("DES") on April 29, 2010.
2. No more than 4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 2,189 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 547 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. These shall be the only structures on this water frontage and all portions of the docking structure shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.

2010-01056 LEMAY, BRENDA
FREEDOM Loon Lake

Requested Action:

Impact 9,442 sq ft to construct a cabin, garage and sauna on undeveloped parcel.

APPROVE PERMIT:

Impact 9,442 sq ft to construct a cabin, garage and sauna on undeveloped parcel.

With Conditions:

1. All work shall be in accordance with plans by White Mountain Survey Co., Inc. dated April 28, 2010 and received by the Department of Environmental Services ("DES") on April 29, 2010.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 12.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 6,121 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 6,068 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-01059 MORGAN, JAMES
WINDHAM Rock Pond

Requested Action:

Impact 3,200 sq ft for the construction of a new residential dwelling and associated accessory structures.

APPROVE PERMIT:

Impact 3,200 sq ft for the construction of a new residential dwelling and associated accessory structures.

With Conditions:

1. All work shall be in accordance with plans by Benchmark Engineering dated October 1, 2009 and received by the Department of Environmental Services ("DES") on April 29, 2010.
2. No more than 29.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. This permit is contingent upon receiving all necessary approvals from the DES Subsurface Systems Bureau.
4. The proposed stormwater management plan shall be designed, implemented and maintained to effectively absorb and infiltrate stormwater.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the

site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

10. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

12. Silt fencing must be removed once the area is stabilized.

2010-01062 BERLIN WATER WORKS
BERLIN Upper Ammonoosuc River

Requested Action:

Impact 100 sq.ft. Installation of stairs, and pedestrian ramp to dam gateworks pedestrian bridge.

APPROVE PERMIT:

Impact 100 sq ft Installation of stairs, and pedestrian ramp to dam gateworks pedestrian bridge.

With Conditions:

1. All work shall be in accordance with plans by Provan & Lorber, Inc dated July 2009 and received by the Department of Environmental Services ("DES") on April 30, 2010.
2. No more than .04% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 8,446,980 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 4,223,500 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit is contingent on approval by the DES Wetlands Program.

2010-01175 RICK, CAROLYN & MARK
STODDARD Highland Lake

Requested Action:

Impact 5,420 sq ft to replace an existing home and install a new septic system.

APPROVE PERMIT:

Impact 5,420 sq ft to replace an existing home and install a new septic system.

With Conditions:

1. All work shall be in accordance with plans by Steve Pro Land Development Services revised April 15, 2010 and received by the Department of Environmental Services ("DES") on May 11, 2010.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 6.75% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 12,500 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 3,300 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

CSPA PERMIT W/VARIANCE

2009-00530 CURVEY PERSONAL RESIDENCE TRUST, JAMES
ALTON Lake Winnepesaukee

Requested Action:

Impact 9,010 sq ft to construct an addition to a nonconforming structure, and use pervious technologies for driveways and landscaping.

APPROVE AMENDMENT:

Impact 9,010 sq ft to construct an addition to a nonconforming structure, and use pervious technologies for driveways and landscaping.

WAIVERS APPROVED: RSA 483-B:9,II,(b) and RSA 483-B:9,V,(2)(c) are waived to allow temporary removal of natural ground cover within the waterfront buffer and the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with revised plans by Pellettieri Associates, Inc. dated March 22, 2010 and received by the Department of Environmental Services ("DES") on April 23, 2010.
2. No more than 28.17% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. All proposed stormwater controls shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
4. This approval includes Waivers of RSA 483-B:9-II(b), and RSA 483-B:9-V(2)(c) and, therefore, shall not be effective until they have been recorded at the Belknap County Registry of Deeds and a copy of the recorded waivers are sent to the department by certified mail, return receipt requested.
5. The temporary impact areas within the waterfront buffer shall be replanted in accordance with the approved plans upon completion of the modifications to the residential structures.
6. The project as proposed will leave approximately 30 sq ft of the Natural Woodland Buffer beyond the primary building setback in

an unaltered state. All of this area currently unaltered in the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).

7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

8. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

9. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2010-00934 DESROSIERS, RONALD F & DEBRA L
AUBURN Sucker Brook

Requested Action:

Impact 5,000 sq ft for the purpose of constructing a new primary structure and associated accessory structures.

APPROVE PERMIT:

Impact 5,000 sq ft for the purpose of constructing a new primary structure and associated accessory structures.

VARIANCE APPROVED: RSA 483-B:9, V(g)(3) is varied to allow an increase of impervious surface coverage within the protected shoreland greater than 20% without having to address the replanting requirements of the waterfront buffer.

With Conditions:

1. All work shall be in accordance with plans submitted by Woodland Design Group, Inc. dated April 9, 2010 and received by the Department of Environmental Services ("DES") on April 21, 2010.

2. No more than 27.68% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

3. This permit is contingent upon receiving all necessary approvals from the DES Subsurface Systems Bureau.

4. The proposed stormwater management plan shall be designed, implemented and maintained to effectively infiltrate and absorb stormwater.

5. There shall be no impacts to native vegetation between 50 ft and 150 ft of the reference line in order to remain compliant with RSA 483-B:9, V, (b), (2), (A), (ii).

6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

11. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

13. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The applicant or their designated agent hereby request a variance of RSA 483-B:9 V(g)(3) for the purpose of allowing an increase

of impervious surface coverage within the protected shoreland greater than 20% without having to address the replanting requirements of the waterfront buffer.

2. The literal enforcement of the standard would result in an unnecessary hardship as the property owner does not own any region of the waterfront buffer, and therefore, is incapable of replanting this region.
3. Granting the variance will not result in the diminution in the value of the surrounding properties as the applicant is providing significant stormwater control measures.
4. Granting the variance will not be contrary to the spirit to RSA 483-B as stormwater management techniques will be implemented to effectively absorb and infiltrate stormwater associated with the projects proposed impervious areas.
5. Granting the variance will do substantial justice as the project will provide the same or greater degree of protection than those that currently existing by infiltrating a greater quantity of stormwater than that currently conducted.

2010-01058 MORGAN, JAMES
WINDHAM Rock Pond

Requested Action:

Impact 6,000 sq ft for the purpose of upgrading an existing roadway and installing a new septic system.

APPROVE PERMIT:

Impact 6,000 sq ft for the purpose of upgrading an existing roadway and installing a new septic system.

VARIANCE APPROVED: RSA 483-B:9, V(g)(1) and RSA 483-B:9, V(g)(3) is varied to allow increasing the level of imperviousness on a lot within the protected shoreland that currently exceeds the 30% limitation and doing so without having to address the planting requirements of the waterfront buffer.

With Conditions:

1. All work shall be in accordance with plans by Benchmark Engineering dated October 1, 2009 and received by the Department of Environmental Services ("DES") on April 29, 2010
2. No more than 54.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. This permit is contingent upon receiving all necessary approvals from the NH DES Subsurface Systems Bureau.
4. The proposed septic system shall be designed and installed in such a way as to be able to withstand significant loading from vehicle traffic and will pose no threat to adjacent public water bodies.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The applicant or their designated agent hereby requests a variance of RSA 483-B:9 V(g)(1) and RSA 483-B:9 V (g)(3) for the purpose of increasing the level of imperviousness on a lot within the protected shoreland that currently exceeds the 30% limitation and without having to address the planting requirements of the waterfront buffer.
2. The literal enforcement of the standard would result in an unnecessary hardship as road improvements must be undertaken for the safe passage of vehicles to newly developed lots and the property owner does not own land within the waterfront buffer, and therefore, is not capable of providing additional vegetation within this area.
3. Granting the variance will not result in the diminution in the value of the surrounding properties as significant levels of stormwater management will be employed.
4. Granting the variance will not be contrary to the spirit to RSA 483-B as there will be a greater level of stormwater effectively absorbed and infiltrated.
5. Granting the variance will do substantial justice as the project will provide the same or greater degree protection than those that currently exist.

CSPA PERMIT W/WAIVER

2010-00840 PULLO, CHRISTOPHER/ROBIN
STRAFFORD Bow Lake

Requested Action:

Impact 3,318 sq ft for the purpose of expanding a nonconforming primary structure.

APPROVE PERMIT:

Impact 3,318 sq ft for the purpose of expanding a nonconforming primary structure.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with plans by Geometres Blue Hills, LLC., dated February 2, 2010 and received by the Department of Environmental Services ("DES") on April 13, 2010.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 7.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. All future walkways and entrance paths to the existing dwelling shall be constructed of materials designed and installed to effectively absorb and infiltrate stormwater.
5. This permit is contingent upon receiving all necessary approvals from the NH DES Subsurface Systems Bureau and installing the proposed septic system.
6. The project as proposed will leave approximately 2,484 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,240 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to remain compliant with RSA 483-B:9, V, (b), (2).
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

9. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
10. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.
13. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Bow Lake and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to remove approximately 651 sq ft of impervious surface within the protected shoreland.
4. The applicant has proposed to install a new NH DES Subsurface Bureau approved wastewater treatment system.
5. The applicant has proposed to decrease impervious area within the protected shoreland and install a new septic system, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.

2010-00871 MCDONALDS USA LLC
LACONIA Lake Winnepesaukee

Requested Action:

Impact 10,650 sq ft for the purpose of redeveloping a commercial lot.

APPROVE PERMIT:

Impact 10,650 sq ft for the purpose of redeveloping a commercial lot.

WAIVER APPROVED: RSA 483-B:9, V(g)(1) is waived to allow the redevelopment of a lot within the protected shoreland that exceeds 30% impervious surface coverage.

With Conditions:

1. All work shall be in accordance with plans submitted by Bohler Engineering and received by the Department of Environmental Services ("DES") on April 14, 2010.
2. This approval includes a waiver of RSA 483-B:9, V(g)(1) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 36.91% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The proposed stormwater management plan shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
5. All pervious technologies used shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
6. Upon completion of the proposed project, the submitted planting plan will be implemented to ensure that each previously existing deficient grid segment will have at least the minimum score of RSA 483-B:9, V(a)(2)(D) as required by RSA 483-B:9, V, (g), (3).
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and

remain in place until all disturbed surfaces are stabilized.

9. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

12. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

14. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located on a lot that exceeds 30% impervious surface coverage within the protected shoreland adjacent to Lake Winnepesaukee and, therefore, fails to conform to the impervious surface limitation set forth in RSA 483-B:9, V (g)(1), of the CSPA.

2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."

3. The applicant has proposed to decrease the area of imperviousness within the protected shoreland from 45.57% to 36.91%.

4. The applicant has proposed to install stormwater controls consisting of (2) infiltration basins.

5. The applicant has proposed to install stormwater controls and reduce the area of imperviousness within the protected shoreland, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.

2010-00989 RIEDERS, ERIC
SUNAPEE Otter Pond

Requested Action:

Impact 765 sq ft for the purpose of expanding a nonconforming primary structure.

APPROVE PERMIT:

Impact 765 sq ft for the purpose of expanding a nonconforming primary structure.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with plans by Clayton Platt, Pennyroyal Hill Land Surveying and received by the Department of Environmental Services ("DES") on April 23, 2010.

2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.

3. No more than 18.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

4. This permit is contingent upon receiving all necessary approvals from the NH DES Subsurface Systems Bureau.

5. The proposed stormwater management plan shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.

6. The project as proposed will leave approximately 4,890 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,995 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain

in an unaltered state in order to remain compliant with RSA 483-B:9, V, (b), (2).

7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

8. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

9. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

12. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

14. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Otter Pond and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.

2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."

3. The applicant has proposed to remove impervious area from the waterfront buffer and replace it with natural, native vegetation.

4. The applicant has proposed to install stormwater controls consisting of a rain garden capable of infiltrating stormwater from the addition and the southern side of the existing dwelling.

5. The applicant has proposed to install stormwater controls, and enhance the waterfront buffer, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.

**2010-01098 SUMMER FUN REALTY TRUST, SHELIA METAYER
LACONIA Lake Winnepesaukee**

Requested Action:

Impact 5,300 sq ft for the purpose of expanding an existing deck and installing a new stormwater bioretention area.

APPROVE PERMIT:

Impact 5,300 sq ft for the purpose of expanding an existing deck and installing a new stormwater bioretention area.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with plans by Eric R. Buck of Polluck Land Planning, LLC., last revised April 23, 2010, and received by the Department of Environmental Services ("DES") on May 4, 2010.

2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.

3. No more than 17.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

4. This permit is contingent upon receiving all necessary, valid permits for proposed impacts jurisdictional under RSA 482-A.

5. The proposed stormwater management plan shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.

6. All pervious technologies used shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
9. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.
12. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to decrease the area of imperviousness within the protected shoreland by 144 sq ft.
4. The applicant has proposed to install stormwater controls consisting of a bioretention area and a drainage swale.
5. The applicant has proposed to plant significant amounts of native vegetation within the waterfront and natural woodland buffers.
6. The applicant has proposed to install stormwater controls and significantly enhance the waterfront and natural woodland buffers, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.

2010-01131 WATSON, JACK
FRANKLIN Giles Pond

Requested Action:

Impact 2,910 sq ft for the purpose of expanding an existing nonconforming primary structure, constructing new accessory structures, and installing a new septic system.

APPROVE PERMIT:

Impact 2,910 sq ft for the purpose of expanding an existing nonconforming primary structure, constructing new accessory structures, and installing a new septic system.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated March 16, 2010, and received by the Department of Environmental Services ("DES") on May 6, 2010.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 19.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

4. This permit is contingent upon receiving all necessary approvals from the NH DES Subsurface Systems Bureau and installing the proposed septic system.
3. The proposed stormwater management plan shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
4. The project as proposed will leave approximately 400 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. In order to remain compliant with RSA 483-B:9, V, (b), (2), there shall be no impacts to existing native vegetation between 50 feet and 150 feet from the reference line.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Gile Pond and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to install stormwater controls consisting of 1 foot deep x 2 feet infiltration trenches under the drip edges of the residence.
4. The applicant has proposed to install an infiltration trench at the tow of an existing driveway capable of intercepting stormwater.
5. The applicant has proposed to plant additional, native vegetation within the waterfront buffer.
6. The applicant has proposed to install a new NH DES Subsurface Bureau approved wastewater treatment system behind the 150 foot natural woodland buffer.
7. The applicant has proposed to install sound stormwater controls, install a new septic system, and enhance the waterfront buffer with additional vegetation, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.